

# REMARKS

## ***1. 35 U.S.C. § 103 Rejection of Claims 1-8***

The Examiner rejects Claims 1-8 under U.S.C. §103(a) as being anticipated by Bestler et al. (U.S. Patent # 5,680,457, hereafter referred to as 'Bestler') in view of Mishina (U.S. Patent # 5,745,643). Applicant disagrees with this ground of rejection.

Claim 1 claims an element of, "receiving said signal including video image information and conditional access information associated with a plurality of picture resolution formats," (emphasis added). In the rejection, the Examiner states Bestler teaches this claimed element where, "the claimed method of receiving said signal including video image information and conditional access information associated with one of a plurality of picture resolution formats is met by Payload Crypto device 50, FIG. 3," (emphasis added). Applicant notes that Claim 1 specifically claims "conditional access information associated with a plurality of picture resolution formats". This claimed feature is neither disclosed nor suggested in Bestler or Mishina, alone or in combination.

Moreover, nothing in Bestler discloses or suggests that the Payload Crypto device 50 is capable of receiving "conditional access information associated with a plurality of picture resolution formats" as claimed in Claim 1. As shown in Figs. 4A to 4D of Bestler with the corresponding text on column 4, lines 52 to column 9, line 35, none of these exemplary control access packets indicates where conditional access information associated with a plurality of picture resolutions would be placed. Similarly, the DCAM 20 module cited to by the Examiner in the rejection does not disclose or suggest how to consider the claimed conditional access information of Claim 1.

This issue is further complicated by the conditional access information that the Examiner refers to in Mishina as to anticipate the claimed features of "decoding said conditional access information is said received signal, wherein said decoded information conditional access information comprises data used for determining picture resolution formats available for at least one of: I) recording said video image information; and II) reproducing said recording video image information." The Examiner specifically cites to a flag in a video manager table of a DVD video directory which is used to inhibit copying (Mishina, col. 10, lines 51-53) and that the video manager table also has additional information recorded in a video title set information table (VTSI\_MAT) 98. This information indicates if a DVD is to be played back is in a letter box format, pan and scan format, or if a conversion is required to be done in either

a letter box or pan and scan format (Mishina, col. 31, line 38 to col. 33, line 14). Applicant notes that the cited to sections of Mishina, as with Bestler, do not disclose or suggest that cited to flag in the video manager operates with the letterbox or pan and scan information to anticipate the claimed features of Claim 1.

Mishina does not indicate that the copy inhibiting flag operates with or in view of the letterbox and/or pan and scan modes that is disclosed in Mishina, in the manner suggested by the Examiner. The letterbox and pan and scan modes in Mishina are used for controlling effectively controlling the playback of a DVD. Specifically, Mishina discloses that a DVD is in either a 3/4 or 9/16 aspect ratio (Mishina, col. 32, lines 28-30). If it is determined that a DVD is in a 3/4 aspect ratio, the system will "prevent the letter box converter 204 from converting the data into letter box format," (Mishina, col. 32, lines 35-37), as well of a pan and scan process (Mishina, col. 32, lines 38-42).

If a DVD is in a 9/16 aspect ratio, Mishina describes a process where it determines whether an conversion should be done, if a user specifies that the DVD is in a 3/4 aspect ratio and whether the material to be played back is in a pan ad scan format, (Mishina, col. 32, lines 44-64). Mishina does not disclose or suggest that the cited to processes of letterbox or pan and scan by the Examiner represent the claimed "conditional access information associated with a plurality of picture resolution formats" as, claimed in Claim 1.

In addition, Applicant notes that there is no suggestion or motivation to combine Bestler with Mishina in the manner suggested by the Examiner. Specifically, Bestler is concerned with the transmission of conditional access packets to a subscriber unit such as a "cable subscriber set-top box decoder" (Bestler, col. 1, lines 13-28). Mishina, in contrast, is concerned with the playback of a DVD using information written in the "video title set (VTS), video title set information (VTSI) for managing the video title set (VTS), (Mishina, Abstract). Applicant is unaware why one skilled in the art would combine the subscriber system of Bestler with the DVD playback system of Mishina, as both systems are two completely different technologies. Furthermore, Applicant is unaware how to modify the subscriber system of Bester with the teachings of the DVD system of Mishina, without a reliance on the teachings of the Applicant's invention.

For the reasons cited above, Applicant submits that Claim 1 is patentable and that the Examiner remove the rejection to this claim. The Applicant also

asserts that Claims 2 to 8 are patentable, as the claims depend on allowable Claim 1. Applicants request that the Examiner remove the rejection to these claims, as well.

***II. 35 U.S.C. § 103 Rejection of Claim 9***

The Examiner rejects Claim 9 under 35 U.S.C. §103(a) as being anticipated by Bestler in view of Nagashima et al. (U.S. Patent # 6,275,988, hereafter referred to as 'Nagashima'). Applicant disagrees with this ground of rejection.

Dependent Claim 9 is considered patentable for substantially the same reasons given above for Claim 1, the claim that Claim 9 depends on. Applicant therefore requests that the rejection of this claim be withdrawn.

***III. 35 U.S.C. § 103 Rejection of Claims 10-14***

The Examiner rejects Claims 10-14 under 35 U.S.C. §103(a) as being unpatentable over Kanota et al. (U.S. Patent # 5,991,500) in view of Mishina. Applicant disagrees with this ground of rejection.

Applicants assert that Mishina does not disclose or suggest the claimed "copy protection information associated with a plurality of display formats" for the same reasons given above for Claim 1. Specifically, the cited to copy inhibiting flag and letterbox and pan/scan information of Mishina is not utilized in the manner suggested by the Examiner as to anticipate the claimed features of Claim 10. Furthermore, nothing either in Kanota or in Mishina, alone or in combination, disclose or suggest the claimed features of Claim 10.

***IV. 35 U.S.C. § 103 Rejection of Claims 15-17***

The Examiner rejects Claims 15-17 under 35 U.S.C. §103(a) as being unpatentable over Kanota. Applicant disagrees with this ground of rejection.

Dependent Claims 15 to 17 are considered patentable for substantially the same reasons given above for Claim 10, the claim that Claims 15 to 17 depend on. Applicant therefore requests that the rejection of these claims be withdrawn.

***V. 35 U.S.C. § 103 Rejection of Claims 19-20, 22, 23, and 30-36***

The Examiner rejects Claims 19, 20, 22, 23, and 30-35 under 35 U.S.C. §103(a) as being unpatentable over Knudson et al. (U.S. Patent # 6,141,488, hereafter referred to as 'Knudson') in view of Mishina. Applicant disagrees with this ground of rejection.

Claim 19 has claimed features neither suggested nor disclosed, alone or in combination, in Knudson or Mishina. Specifically, Claim 19 has, "copy protection information comprises information for determining the display formats available for recording said video image information." This type of copy protection information is not available or suggested in either Knudson or Mishina.

In the rejection, the Examiner writes that Knudson discloses the feature of, "interactive program guides that allow users to access television listings in different display formats," (column 1, lines 18-20). Applicant notes that this feature has nothing to do with, "display formats available for recording," or more specifically the display format of video image information, as claimed in the Applicant's invention that will be recorded in accordance with copy protection information.

Specifically, Knudson uses the term "display formats" to refer to the organization of grid program listings, (Knudson, column 1, lines 20-24). For example, one display format of a grid of program listing displays "program listings organized in a channel-organized list." A second described display format of a grid of program listings displays "program listings organized by time, by theme (movies, sports, etc.), or by title (i.e., alphabetically ordered)." These variations in the display of a grid of program listings is not the same as having, "copy protection information associated with one of a plurality of display formats," as, claimed in Claim 19. This use of the term "display formats" as in Knudson by the Examiner is not the same as in Claim 19 where "receiving said video image information and copy protection information associated with one of a plurality of display formats".

In addition, for the reasons cited in connection with Claim 1, Kanota does not disclose or suggest what is deficient in Knudson to anticipate the claimed features of Claim 19 where "copy protection information is associated with one of a plurality of display formats".

For the reasons given above, Claim 19 is considered patentable. Applicant requests that the Examiner remove the rejection to this claim. Applicant also requests that the Examiner remove the rejection to Claim 30, for the same reasons given in connection for Claims 1 and 19. In addition, dependent Claims 20, 22, and 23 with dependent Claims 31-36 are patentable as these claims

depend on independent Claims 19 and 30, respectively. Applicant requests that the Examiner remove the rejection to these dependent claims, as well.

**VI. 35 U.S.C. § 103 Rejection of Claims 24 and 25**

The Examiner rejects Claims 24 and 25 under 35 U.S.C. §103(a) as being unpatentable over Knudson in view of Tsukamoto et al. (U.S. Patent # 5,796,828, hereafter referred to 'Tsukamoto'). Applicant disagrees with this ground of rejection.

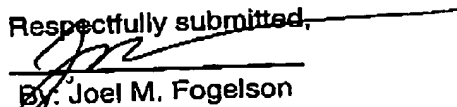
Dependent Claims 24 and 25 are considered patentable for substantially the same reasons given above for Claim 19, the claim that Claims 24 and 25 depend on. Applicant therefore requests that the rejection of these claims be withdrawn.

Applicant requests that the objection to Claims 18 and 29 remain in abeyance in view of the consideration of the remarks given above.

Applicant requests a three-month extension to submit this response under C.F.R. 1.136(a). Please charge any fees owed in connection with this action to Deposit Account 07-0832.

It is believed that, in view of the preceding amendments and remarks, this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

  
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